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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Terry J. Stalford, Esq.
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,871

Applicant(s)

JABER ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The finality of the last office action is withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4, 6, 9, 11-12, 14, 17, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby et al. (US 5,483,522) in view of Nagaraj (US 6,947,415).

1. Regarding claims 1, 4, 9, 12, 17 and 20, Derby discloses a method of providing an internal topology of a node within a network (fig. 6; col. 5, lines 56-67) comprising determining asymmetric connections between RTPs (fig. 6, subnodes) in a network node (col. 8, lines 20-25; Table 1 of col. 10; note: asymmetric connections are illustrated by a various number of connections for different subnodes of a node; for example, subnodes 5 and 7 of node 60 each have only one connection to another subnode, while subnode 6 has two connections to other subnodes) where each RTP has intra RTP connections between internal components (fig. 2, item 23; col. 5, lines 40-45) and where the intra RTP connections have a higher speed than the asymmetric connections between the RTPs (col. 5, lines 34-38 and 40-41; note: each adapter examines all packets on the bus - therefore, the speed of all the packets from all adapters is higher than the speed of the asymmetric connections between the RTPs representing only two of the adapters of the subnode - fig. 2, items 15-16), distributing a model of the node to other nodes (col. 5, lines 62-67), and using the model in determining a routing path (col. 5, lines 56-58).

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2. However, Derby does not disclose that internal RTP components (Derby, fig. 2, items 14-20 and 24-26) comprise an optical transceiver for interfacing with a WDM system. Nagaraj discloses an inherent transceiver to interface with a WDM system (fig. 5, item 520 or 530; col. 7, line 66 through col. 8, line 4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have internal RTP components comprise an optical transceiver to interface with a WDM system in the invention of Derby in order to provide network connectivity (Nagaraj, col. 7, line 66 through col. 8, line 4; fig. 1).

3. Regarding claims 3, 6, 11, 14, 19 and 22, in Derby each RTP has interfaces to external and private nodes (fig. 2, items 20-22) that have a lower speed as noted in the above paragraph.

Claims 5, 7-8, 13, 15-16, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby in view of Nagaraj as applied to claims 1, 9 or 17 above, and further in view of Le Boudec et al. (US 6,016,306).

4. Regarding claims 5, 7-8, 13, 15-16, 21 and 23-24, Derby in view Nagaraj does not disclose assigning weights for the connections. However, Le Boudec discloses assigning links based on cost, bandwidth or delay (col. 1, lines 39-52 and 56-62) and using an Open Shortest Path First weighted routing determination to find a best path using opaque LSAs. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to assign appropriate weights to the connections in the invention of Derby in view of Nagaraj as evidenced by Le Boudec in order to provide optimal routing within the network (Le Boudec, col. 1, lines 47-52).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

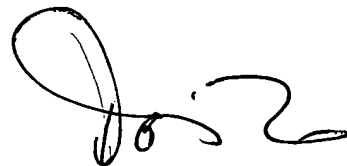
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at 571-272-7629. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

March 30, 2006



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600